

REMARKS

Claims 4, 6-8, 12-14, 18 and 19 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 4, 6-8, 12-14, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes et al. (U.S. Pat. No. 5,970,475) in view of Boyd (U.S. Pat. No. 6,963,854). This rejection is respectfully traversed.

It is respectfully submitted that the combined teachings if Barnes and Boyd fail to show all the limitations of independent claims 18 and 19.

It is a longstanding rule that to establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 143 (CCPA 1974), see MPEP §2143.03. As best understood by the Applicants, Boyd fails to disclose or teach analyzing the collected information to determine if any of the quotes are at more favorable prices than a *previously negotiated price*. Instead, Boyd discusses a computer based bidding system, where a bid is defined as a package of goods “*for which the price will be negotiated*.” (Column 4, lines 33-34, emphasis added.) Boyd does not suggest that the bids are quotes as claimed; however, even assuming they are equivalent (as the Office Action seems to suggest), the bids are defined as goods to be negotiated (i.e. in the future) and not goods that were negotiated in the past as in the claims.

Boyd is directed to predicting *market response* to bid prices and recommending a target price for a bid and not to a system that determines if current quotes have a previously negotiated price and whether the current quote is at a more favorable price than the negotiated price. Boyd is silent as to such a determination. Barnes, as recognized by the Office Action, also fails to disclose or teach such a limitation. Therefore, because the claims and the prior art differ, claims 18 and 19 are believed to be allowable. Claims 4, 6-8, and 12-14 depend from claims 18 and 19 and are believed to be allowable for at least similar reasons as those put forth above.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

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